

CHAPTER 670A

FORCIBLE FELON LIABILITY

670A.1 Definitions.

670A.2 Perpetrator liability.

670A.1 Definitions.

As used in this chapter, unless the context otherwise requires:

1. “*Act*” means an act as defined under section 702.2.
2. “*Convicted*” means a finding of guilt, irrespective of imposition or execution of any sentence; a final and valid admission of guilt or a guilty plea; an entry of judgment of conviction; an adjudication of delinquency; a plea of guilty to a delinquency petition; the entry into an informal adjustment agreement or an agreement to the entry of a consent decree regarding a delinquent act.
3. “*Course of criminal conduct*” means an act which when committed constitutes a crime and includes any acts of a victim in defending or attempting to defend against the crime.
4. “*Crime*” means a forcible felony as defined under section 702.11.
5. “*Perpetrator*” means a person who has committed the acts constituting a crime and includes a person who has been convicted of a crime and any person who jointly participates or aids and abets in the commission of a crime.
6. “*Victim*” means a person who is the object of a course of criminal conduct and also includes persons who provide reasonable assistance to or who defend another person who is exposed to or has suffered serious injury at the time of or immediately after the commission of a crime.

98 Acts, ch 1111, §1

670A.2 Perpetrator liability.

1. A perpetrator assumes the risk of and is liable for any loss, injury, or death which results from or arises out of the perpetrator’s course of criminal conduct. A crime victim is not liable for any damages caused by any acts of the victim in defending or attempting to defend against the crime if the victim used reasonable force when committing the acts. A perpetrator’s assumption of risk and liability does not eliminate a victim’s duty to protect against any conditions which the victim knows or has reason to know may create an unreasonable risk of harm. This section shall not apply to perpetrators who, because of mental illness or defect, are incapable of knowing the nature and quality of their acts or are incapable of distinguishing between right and wrong in relation to those acts.
2. For purposes of this section, a certified copy of a guilty plea, an order entering a judgment of guilt, a court record of conviction or adjudication, an order adjudicating a child delinquent, or a record of an informal adjustment agreement shall be conclusive proof of a perpetrator’s assumption of risk of and liability for any damage or harm caused to a victim.
3. In addition to any claim for damages, the court shall award a victim reasonable expenses, including attorney’s fees and disbursements, which are incurred in the prosecution of the damages claim.
4. Except as necessary to preserve evidence, the court shall stay any action for damages under this section during the pendency of any criminal action which pertains to the course of criminal conduct which forms the basis for a claim for relief under this section.

98 Acts, ch 1111, §2